

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ARTURO FLORES, CARLOS MARIN,
PATRICIA CUATE and CARMEN CUBILLAS, et al.,
on behalf of themselves,
FLSA Collective Plaintiffs and the Class,

Plaintiffs,

Case No.: CV-12-8095

v.

Oetken, J.
Peck, M.J.

KC 53 LLC d/b/a SOCIAL EATZ,
SCOTT ALLING, ACE WATANASUPARP,
ROBERT KWAK, RICARDO CAMACHO
and HENRY AGUILAR,

Defendants.

**NOTICE OF PLAINTIFFS' UNOPPOSED MOTION FOR PRELIMINARY APPROVAL
OF SETTLEMENT AND APPROVAL OF PLAINTIFFS' PROPOSED NOTICE OF
PENDENCY OF CLASS ACTION AND PROPOSED SETTLEMENT**

Please take notice that upon the accompanying Memorandum of Law, Proposed Order (attached hereto as Exhibit 1), and Declaration of C.K. Lee and annexed materials, the Plaintiffs, on behalf of themselves and others similarly situated, by their undersigned attorneys, hereby move (without any opposition by Defendants) for the following relief in this Fair Labor Standards Act collective action and New York Labor Law class action:

- 1) Preliminary approval of the settlement memorialized in the Settlement and Release Agreement ("Settlement Agreement"), attached to the Declaration of C.K. Lee ("Lee Aff.") as Exhibit A, which sets the following settlement procedure:

On or before _____, 2013	Parties will move for Preliminary Approval of Settlement Agreement and Release
10 days after Preliminary Approval PROPOSED: _____, 2013	Defendants' counsel will provide the Settlement Administrator a mailing list in electronic form containing the names, last known addresses and telephone numbers for all Class Members as that information exists on file with Defendants.
20 days after Preliminary Approval: PROPOSED: _____, 2013	Mailing of Class Notice.
45 days after date of first mailing of Class Notice: PROPOSED: _____, 2013	Last day for Class Members to "opt out" of the Settlement or to submit written objections to the Settlement.
48 days after first mailing of Class Notice: PROPOSED: _____, 2013	Class counsel will file with the Clerk of the Court copies of any Opt-out Statements and send a final list of all Opt-out Statements to Defendants' Counsel by email.
60 days after date of first mailing of Class Notice: PROPOSED: _____, 2013	Last day for filing and service of papers in support of final Settlement Approval
_____ , 2013 _____ AM/PM	Final Settlement approval hearing.

- 2) Approval of the Proposed Notice of Pendency of Class Action and Proposed Settlement ("Notice"), which is attached as Exhibit B to the Lee Declaration, and directs its distribution to the class.
- 3) Approval of the proposed Order attached hereto as Exhibit 1.
- 4) Approval of the Settlement Administrator's administration fees of \$25,000.

Dated: May 22, 2013

Respectfully submitted,

LEE LITIGATION GROUP, PLLC

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Attorneys for Plaintiffs, FLSA Collective

Plaintiffs and the Class members

By: /s/ C.K. Lee
C.K. Lee (CL 4086)